

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

RARE BREED TRIGGERS, LLC; RARE BREED FIREARMS, LLC; LAWRENCE DEMONICO; KEVIN MAXWELL,

Civil Action No.

Defendants.

CERTIFICATION PURSUANT TO FED. R. CIV. P. 65(b)(1)(B)

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Eastern District of New York. I make this certification pursuant to Fed. R. Civ. P. 65(b)(1)(B) in support of the United States' application for a temporary restraining order pursuant to 18 U.S.C. § 1345, whereby defendants Rare Breed Triggers, LLC and Rare Breed Firearms, LLC, Lawrence DeMonico, and Kevin Maxwell (collectively, Defendants) would be enjoined from engaging in a conspiracy to defraud the United States pursuant to 18 U.S.C. § 371; engaging in the ongoing commission of mail fraud in violation of 18 U.S.C. § 1341; engaging in a conspiracy to commit mail fraud in violation of 18 U.S.C. § 1349; engaging in the ongoing commission of wire fraud in violation of 18 U.S.C. § 1343; and engaging in a conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349.

2. As set forth in detail in the accompanying Complaint, Motion for a Temporary Restraining Order and Preliminary Injunction, and the Declaration of Special Agent Daniel Koneschusky and the exhibits annexed thereto, Defendants' fraudulent conduct results in harm to the United States and victims across the United States. Defendants sell a machinegun conversion device, which they call the FRT-15, that is designed to be fitted into an AR-15 style

firearm so that a shooter can fire multiple rounds automatically by a single pull of the trigger. Because the FRT-15 operates as a combination of parts designed and intended for use in converting a firearm into a machinegun, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has classified the FRT-15 as a machinegun. *See* 26 U.S.C. § 5845(b). Additionally, Defendants sell the Wide Open Trigger (WOT) another conversion device—a copy of the FRT-15—that is also designed to be fitted into an AR-15 style firearm.

3. The requested relief will immediately prevent harm to new victims, as it will ensure that no additional FRT-15s, WOTs, and/or any forced reset trigger or other machinegun conversion device enter commerce, as the sale of such machinegun conversion devices would further endanger public safety.

4. The United States' proposed temporary restraining order, which would be pending a hearing and determination on the United States' application for a preliminary injunction, would temporarily restrain Defendants, their agents, officers and employees, and all other persons and entities in active concert or participation with them, from:

- i. conspiring to defraud the United States, as defined by 18 U.S.C. § 371;
- ii. committing mail fraud, as defined by 18 U.S.C. § 1341;
- iii. committing wire fraud, as defined by 18 U.S.C. § 1343;
- iv. conspiring to commit mail fraud, as defined by 18 U.S.C. § 1349;
- v. conspiring to commit wire fraud, as defined by 18 U.S.C. § 1349;
- vi. engaging in any sales of the FRT-15, the Wide Open Trigger, and/or any forced reset trigger or other machinegun conversion device until and unless otherwise ordered by this Court; and

vii. be required to preserve all documents related to the manufacture, possession, receipt, transfer, and/or sale of the FRT-15s, Wide Open Triggers, forced reset triggers, and/or machinegun conversion devices and components thereof.

5. The Court should not require the United States to provide notice to the Defendants prior to the entry of the requested relief because notice potentially could allow the Defendants to destroy relevant business records or sell off their machinegun conversion device inventory before the parties are heard by the Court. In addition, during the time it would take to give Defendants notice, additional persons could be victimized through Defendants' regular sale of FRT-15s, WOTs, and other machinegun conversion devices, and through other conduct by Defendants in furtherance of Defendants' fraudulent schemes.

6. Therefore, the United States respectfully requests that the Court issue the proposed temporary restraining order without notice to Defendants.

Dated: Brooklyn, New York
January 19, 2023

/s/ Michael Blume
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